Remarks/Arguments:

I. Status

The Office Action dated November 10, 2005 (the "Office Action") has been carefully reviewed. Claims 1, 3-10 and 21 have been canceled. Claim 13 has been amended and claims 22-31 have been added. Accordingly, claims 11-20 and 22-31 are pending in this application. Reconsideration of this application, as amended, is respectfully requested.

II. The Rejection of Claims 11-19 under 102(b)

The Examiner rejected claims 11-19 as being anticipated by U.S. Patent No. 5,446,677 to Jensen et al. (hereinafter "Jensen"). The Applicant respectfully traverses.

Discussion Regarding Patentability of Claim 11

Claim 11, as previously amended, recites a test manager "operable to send different test parameters to different VAV boxes based on different design configurations of the different VAV boxes." The Examiner has alleged that this limitation is disclosed by Jensen. Respectfully, the Examiner has misconstrued the claim.

Specifically, claim 11 recites that the VAV boxes have different "design configurations." The Examiner dismissed the Applicant's previous arguments by citing to a definition of "configuration" found in the Merriam Webster dictionary. (Office Action at page 8). The Examiner then concluded that "the opening and closing the boxes is a reasonable interpretation of a test configuration." (Office Action at page 8). As the Examiner properly noted in defending this broad construction, words in a claim are to be granted the

broadest reasonable interpretation during patent examination.

It is worth noting that in determining that Jensen anticipated claim 11, the Examiner characterized the configurations taught by Jensen as "test configurations." (Office Action at page 8). Clearly, the Examiner understands that those of skill in the art attribute special and specific meaning to the term "test configuration." Specifically, the selective positioning and use of functional capabilities of a device to determine the functionality of the functional capabilities. However, claim 11 does not recite "test configuration," but rather "design configurations." A design configuration identifies the realm of functionalities that a device is selected or engineered to include. Merely varying the damper position of a device does not alter the realm of functionalities that a device is capable of providing. In other words, two identical devices having different damper positions do not have different "designs." Therefore, Jensen's disclosure of two different valve positions or "test configurations" is not the same as the Applicant's recited VAV boxes with different functionalities or "design configurations."

Because Jensen does not disclose two VAV boxes with different functionalities, Jensen fails to teach, disclose or suggest the VAV boxes with different design configurations as called for in claim 11, as amended. Anticipation under 35 U.S.C. § 102 is proper only if the prior art reference discloses each and every element of the claim. Accordingly, since Jensen does not teach or suggest all of the limitations of claim 11, it is respectfully submitted that the rejection of claim 11 as being anticipated by Jensen is in error and should be withdrawn.

Discussion Regarding Patentability of Claims 12-19

Claims 12-19 depend, directly or by way of one or more intermediate claims, from claim 11. Thus, claims 12-19 include all of the limitations of claim 11 and are allowable for the reasons set forth above with respect to claim 11.

Moreover, claims 12-19 recite additional limitations. By way of example, claim 13 recites a delay in sending a calibration parameter to the second VAV box. There is no mention in Jensen of this type of delay. The only delay mentioned in Jensen is a delay to allow for settling of data. (See, e.g., Jensen at column 6, lines 18-24). Likewise, claim 18 recites a heating function procedure and Jensen is bereft of any such teaching, disclosure or suggestion. Therefore, claims 13 and 18 are allowable over Jensen for these additional reasons.

Accordingly, for the reasons set forth above, it is respectfully submitted that the rejection of claims 12-19 over Jensen should be withdrawn.

III. The Rejection of Claim 20 Should be Withdrawn

Claim 20 was rejected as being obvious over Jensen in view of U.S. Patent No. 5,605,280 to Hartman. (hereinafter "Hartman"). The Applicant respectfully traverses.

1. The Discussion of Claim 11 Applies

Claim 20 was rejected based primarily upon Jensen with reference to Hartman for the alleged disclosure of a heating function procedure. Claim 20 depends from claim 11 by way of claim 18 and includes all of the limitations of claim 11, as amended. As discussed above, Jensen does not disclose VAV boxes of different design configurations as called for in claim 11. The alleged heating function procedure of Hartman does not correct this deficiency.

Accordingly, even if Jensen is modified to include the alleged heating function procedure, the modification does not arrive at the invention of claim 20. Therefore, under MPEP § 2143.03, the Examiner has failed to present a *prima facie* case of obviousness and the rejection of claim 20 under 35 U.S.C. 103(a) should be withdrawn.

2. Hartman Does Not Teach a Heating Procedure

Moreover, claim 20 recites a system that determines whether "a test parameter for the heating function procedure contains a room temperature or a discharge temperature." As discussed at page 27 et seq. and FIGs. 10a-10d, a "heating procedure" is a procedure wherein the amount of energy provided to a heating element of a VAV box is varied. (See, e.g., page 30, line 14 through page 31, line 3, discussing manipulation of valve positions during a heating procedure for a VAV box which uses hot water as a heat source). Thus, the energy (heat) supplied to a room for a given airflow is varied.

The Examiner has alleged that such a heating procedure is disclosed at column 8, lines 41-48 of Hartman. (Office Action at page 6). At column 8, lines 41-48, Hartman merely discloses changing the damper position of a terminal and analyzing the effect on the temperature in the room. Significantly, there is no mention of a heating (or cooling) element within the VAV boxes of Hartman. Rather, Hartman states that the terminal units " 'take' whatever conditioned airflow volume it deems necessary." (Hartman at column 1, line 67 through column 2, line 1). Thus, Hartman discloses a system wherein conditioned air is provided to the terminals, the terminals do not condition the air. Accordingly, Hartman discloses a method of balancing airflow.

Varying the position of a damper is not the same as varying the amount of energy

supplied to a heating element. Consequently, Hartman does not teach, show or suggest a heating procedure as recited in claim 20. Therefore, modifying Jensen to incorporate the changing of damper positions as taught by Hartman fails to arrive at the invention of claim 20. Accordingly, under MPEP § 2143.03, the Examiner has failed to present a *prima facie* case of obviousness and the rejection of claim 20 under 35 U.S.C. 103(a) should be withdrawn.

3. There is No Motivation for the Proposed Modification

Finally, the Examiner has opined that the motivation for the proposed combination is to "maximize user comfort and operating economy" citing to Hartman at column 2, lines 29-30 as the source of this motivation. (Office Action at page 7). There is no motivation for the proposed modification.

As an initial matter, as discussed above, Hartman does not disclose a heating procedure. Rather, Hartman discloses a self-balancing air delivery system. Hartman thus states that desired objects of the system disclosed therein are to provide comfort and economy through "accuracy of balancing" the airflow within the system. (Hartman at column 2, lines 29-30). A heating procedure is not an air balancing procedure. Accordingly, Hartman fails to provide any teaching, disclosure or suggestion to modify Jensen to include a heating procedure.

Moreover, Jensen discloses a system wherein VAV boxes are "coupled to an air source which supplies the controlled air to the VAV box via ductwork. (Jensen at column 1, lines 33-35). Therefore, the VAV boxes of Jensen do not provide the functionality of conditioning air; they merely supply various amounts of the previously conditioned air.

Accordingly, even assuming *arguendo* that Hartman discloses a heating procedure, modifying the system of Jensen to incorporate testing of the heating ability of a VAV box would be pointless since the VAV boxes are already known to not have heating functionality.

Accordingly, there is no teaching, disclosure or suggestion to one skilled in the art to combine Hartman with Jensen, and a prima facie case of obviousness under 35 U.S.C. § 103 has not been established with regard to the invention of claim 20.

4. Conclusion

Therefore, for any of the reasons set forth above, a *prima facie* case of obviousness has not been made with respect to claim 20 and the Applicant respectfully submits that the rejection of claim 20 under 35 U.S.C. 103(a) should be withdrawn.

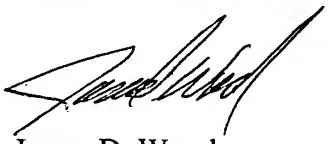
IV. New Claims

Claims 22-31 have been added. These claims recite novel and non-obvious limitations. By way of example, claim 22 recites conducting two different procedures on two VAV boxes of different types at about the same time and claim 27 recites selecting from a plurality of tests a set of tests to be conducted for each type of VAV box identified on a network having two different types of VAV boxes. The remaining claims, claims 23-26 and 28-31, all depend from either claim 22 or 27. Neither Jensen alone, or in combination with Hartman, teaches, discloses or suggests these limitations. Accordingly, claims 22-31 are believed to be allowable over the prior art.

V. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicants have made a patentable contribution to the art. Favorable reconsideration and allowance of this application is, therefore, respectfully requested.

Respectfully submitted,



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